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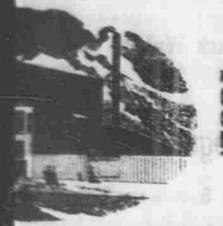
s of all Kinds. will receive careful attention.

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ions, Country Stores

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a train, Mar it Superline Flour!

HE PALACE, and Guarante lity or price; also, THE

bil and above test: CELEBRATED PIANOS

laven Organ Co.'s Parlor Organs

T. Waterhouse,

DESCRIPTION OF THE

WEDNESDAY, MARCH 18 1885 Supreme Court of the Hawaiian Islands Voc RULE VIII, in effect March 12, 1885.

superstelling the former Role. IT IS HEREBY ORDERED BY THE COURT ! A. EXPLANATORY OF SECTION 836 OF THE CIVIL view of death but of the

CODE.)

Every exception taken in the progress of a jury trial, to any order or ruling of the Justice presiding, must be put in writing by counsel before the close of the trial. All such exceptions, the effect of which, if sustained, would be the granting of a new trial or the entry of judgment non obstante corolicto, must be embodied in a bill of ex-Light Steel Plows, coptions and presented to the Justice before the final adjournment of the term.

Such bill of exceptions should embody such portions of the evidence as is essential to the full understanding of the case. Costs must be paid and a bond to secure further costs must be filed at the time of presenting the bill of exceptions.

EXPLANATORY OF SECTIONS 1155 AND 1156 OF THE CIVIL CODE.)

An exception to the verdict as being contrary to the law and to the evidence or the weight of evidence and a notice of a motion for a new trial on this ground must be made at the time of the rendition of the verdict and before the jury are discharged
and noted by the Clerk on his minutes.

This motion must be perfected within ten days by being put in writing by counsel and paying costs and filing a bond for costs to accrue and if made by a defend-ant against whom a verdict has been rendered, a bond not to dispose of his property as required by Section 1156 of the Civil Code must be filed. Argument on this motion may be made before the Justice who presided at the trial on his min-

Any party excepting to the ruling of the Justice, denying or granting the said mo-tion must present his bill of exceptions therefor to said Justice for allowance within ten days from the rendition of such ruling. by paying costs and giving a bond for fur-ther costs. Such bill of exceptions must embody the testimony.

Motions for a new trial on account of misconduct of jury, for newly discovered evidence, and the like grounds, must be made in writing and filed with the Clerk within ten days after the rendition of the verdict; costs to be paid and a bond for further costs filed within said ten days and thereafter to follow the course prescribed in the latter part of the subdivision B. All natters of fact upon which such motion is tute, it was held that a founded not appearing on the record must be substantiated by affidavit.

In jury waived cases exceptions to find the purchaser cannot b ings of fact or of law must be perfected by paying costs and filing a bond for further in good faith for value. costs and presenting to the Justice a bill followed and never sin of exceptions setting forth whatever is State. essential to a full understanding of the | Sec Brown vs. Volke case within ten days from the filing of the opinion of Chief Justic decision or thereafter at any time before vs. Willyry 2 Mass & the final adjournment of the term.

In appeals in equity the time for perfecting an appeal is to be computed from the date of filing the decree. Decrees effectual against any panet be prepared by counsel prevailing, granter and his heirs a shown to opposing counsel and presented to the Court for signature within five days from the filing or rendering of the decision, but the time may be extended for

Whenever a bond is required in the above Rules, cash to the full amount of the penalty of the bond may be deposited with the Clerk in lien thereof. By the Court:

WILLIAM FOSTER, Clerk. Honolulu, March 12, 1885. Supreme Court of the Hawaiian Islands-

In Bance January Term 1885. KAIMIOLA ET, ALS, VS. BENI ET, ALS. Sadd C. J. McCully J. Austin J. Opinion by Mr. Justice McCully.

Upon bill of exceptions to ruling of the trial astice on a motion for new trial, denying the motion. The case was ejectment. The grounds of the motion are surprise and newly discover-

The surprise consisted in the defendants offering evidence to maintain a right to the premises by inheritance. The plaintiffs claim that by some conversation or statements by defendants previously made to plaintiffs atsolely by adverse user.

Upon examination of the answer it appears that the defendants set forth that they held the premises in question by a good title of their own. And that they had held possession for more than twenty years. This does not disclose whether their title was by inheritance, svise, or conveyance. But under our statute they were not bound to plead anything more than the general issue, under which they might give evidence of any right whatever, without notice to the plaintiff. They did however notify the plaintiffs that they claimed by some title independent of a prescriptive right, and would avail themselves of both.

The plainting say that the defense by beritance surprises them, because the defendant had stated in conversation to their counsel that they depended solely on adverse user. If this were a tenable ground under any cir-cumstances, it could not be available after a plea setting up other defenses. But we do not understand that a party may waive his right to, or be estopped from a defense by his statements to counsel, or that counsel can claim surprise on being confronted with a defense which had not been suggested in such a conversation. It is a familiar rule of law that parties are not limited in these statements. that parties are not limited in their rights of action by compromises offered for the sake of peace and to avoid litigation, where they have not been accepted, and the claim is brought for the determination of law. By a stronger reason it should be held that no right is lost by a defendants statement of his title. When the matter comes to the arbitrament of a Court he is to the hands of counsel; he is entitled to all his legal defenses; his opponent may ex-

peet they will made. We may add that the affidavits as to the statements made which are claimed to have led to the surprise, are well met by counter affidavits, but we do not base our runing on the fact or otherwise of misleading statements

buying been made. The newly discovered evidence is that of a person who is shown to have been a friend or onucction of the plainting, who was present in Court during the two days of the trial, sit. set forth in Achi vs. Poni, July Tarm 1884 ting with the plaintiffs, Anything which such a witness is now ready to testify to, cannot be said to newly discovered and not within the plaintiffs power to ascertain and produce by reasonable diligence at the first trial.

Exceptions overruled. W. R. Castle for plaintiffs; J. L. Kaulukou for defendants; W. A. Kinney of counsel for

Honolulu, March 9th, 1885. Supreme Court of the Hawalian Islands.-- any speakers at a public meeting for seditions utterances, the witnesses relied on, have been

JAMES KAHUI ET AL. VS. LAUKI ET. AL.

James Kahui et al. Vs. Lauki et al.

James Kahui et al.

James Kahui

Following Goods Just Received

Eigenment:—The defendant offered in evidence the following instrument, as translated from the Hawaiian language:

"WILL!!"

Know all men by these presents that I, Kimo, hereby devise my land of Kapolako, at Wainiba, and the house lot at Kapaloa, to Kaniniba, and the mouse to at Kapaloa, to Kaniniba, to the violent language at revolution, to estimate the revolution, to estimate t

and should have been it of exceptions. In that tion of time would not

instrument from receivi But although the phrascology of a will treating it as a convey reason and a consider money had been paid by grant-r had never had a ownership in the land. shows that the instrum part of the island. He eide and there lived til later, The instrument grantee, who thereupe the land, and we doubt it could have been revo a later will.

But whether we reg a deed it seems to us th have been allowed to p the instrument. It wot claration by the nomina in solemn form, that he owner of the land, but it nni, to whom he surren his beirs, the defendant for thirty years, under th good defense in this act

The exceptions are su Kinney and Peterson Poepoe for defendants. Honolulu, March 9th.

Supreme Court of the In Bance- Janu W. C. ACHI VS Judd, C. J. McCally, J.

This is an an action o The plaintiff was the the patentee of the land h defendants' claim under from the patentee dated ants, constituting a "l that some of the defend: ported on the land, and same yearly, and fence and that there are two which have stood a long The plaintiff claims

deed is void under Sec. which provides that it any subsequent purchai for a valuable consider notice of such conveyat shall be first duly recor To make the second of under it must purchase not having actual notice The New York record

"an unrecorded deed sh subsequent purchaser i valuable consideration of or any portion there shall be first duly recor In Tettle vs. Jackson leading case in the Cor York, decided in 1830, land sold under an unre structive notice to the upon him the duty to i of the person in possess

in good faith for value.

State. ever, and prior to the e tens 11 Met 244-7 cite decided in 1846,a statu achusetts which expres sons having actual noti made by a deed recor rects." And under thi held in Massachusetts t. structive notice of ac 5 give it validity again

In the 6 Wend, 257 ic refers to Doe vs. Alsop decided under the Mide Anne, Chap. 20, where that in the Massachu that the act is imperatishall be void against chaser, and that the wo are not used in the act: decision in Virginia wh cision were subsequent! See also Daniels vs. J 17 Vesev 433, where th eus-tained. In equity a out reference to special to us, upon reason; goo chaser of land to take h claims of parties in pos Under our statute if the sion is unable to show registered deed to a sul possession is constructi chaser of all his rights,

turbed therein. In the case at bar the ral land, Of such lat abown, under a deed, c sufficient to constitute the defendants' rights t authorities both here ar See Maule vs. Waihee S We have lately fully of adverse possession of country and fully exam ities cited by the plaint sustain his view the point. We do not deem i ine the same now. See

Hikaalani et. al. For these reasons the W. R. Castle for plair

Honolulu, March 10,

Supreme Court of the Hawaiian Islands-In Banco. January Term 1885.

KAUIKA ET, AL, VS. PAKEOKEO.

Judd, C. J. McCelly, J. Austin, J. Opinion by

McCulla,J. Right of way. Appeal from the Commis-

By the testimony, the plaintiffs' lot and the

defendant's lot were originally one piece. By

the division and sale to different parties the

plaintiff's lot was left with no other way out

to the public thoroughfares than through the

portion sold to the defendant. This right of way has not always been denied, though it ap-

pears that for a time the plaintiffs had a way

out by sufferance which they used to some extent over a vacant lot which has since been

built up and closed. Their non-user was

neither for the length of time requisite to es-

was it coupled with any circumstances tend-

ing to show an intention to abandon it. See

Their right of way by necessity therefore ex-

The doctrine controlling this case was fally

We confirm the judgment of the Commission-ers in favor of the plaintiffs in manner and

form as expressed in their judgment.

W. R. Castle for plaintiff; A.Rosa for defend-

The Gasette's Paris Letter.

DUMB JOURNALISTS. PARIS, Feb. 12, 1885.

When the authorities undertake to persecute

ists and is unimpaired.

Honolulu, March 9th 1885.

eshburn on Eusemente and Servitudes 551.

The Anthropological Society of Washington have just received from the Anthropological Institute of London an extremely interesting paper on the ethnology of Egyptian Soudan, prepared by Professor A. H. Keene, a member of the Institute Council. This paper throws much light upon the characteristics of the warlike and predatory peoples who, under a leader of Islam, are to-day disputing the occupation of their territory by one of the most formidable nations of Christendom. The writer states the expression Soudan, or Beled-es-Soudan, "Land of the Blacks," applies to the whole region between the Atlantic and the Red Sea and from the Sahara and Egypt to-Red Sea and from the Sahara and Egypt to-wards the equator. Ethnically speaking, it is the land of transition between the Hamites of the North the North and the Negroes of South Africa. in the Kordofan Highlands over two thousan The East Soudan, the scene of the British military operations, the writer says, is the converging point of nearly all the African race. In giving the distribution of these races, he powerful African kingdom of Dongola, which says that the Somerset Nile, connecting Lake lasted seven hundred years, and was over-Victoria and Albert Nyanza flows through thrown by the Arabs and came under the do-Bantu territory. The Bahr-el-Jebel between minion of Islam. The Nile Nubas live in set-Lake Albert and the Socat confinence is held tled and semi-civilized Mohammedan commuby negroes. The White Nile between Sobat nities, and are treated on an equality in Egypt, and the Blue Nile confluences, and the main where large numbers are engaged as free lastream northwards is occupied on the left borers, porters, costermongers and other purchiefly by Samites and the right by Hamites. suits. They are strong and muscular, warlike From Dongola to Asnan, on the Egyptian fron-tier the valley between the Lybian and Arab-ians. The present Mahdi is a Nubian of Donian Deserts is held by Nubians. The whole gola, but has found his chief support not among region east of this valley, as far as the Red Sea his countrymen, but among the more recently and between the Abyssinian highlands and the coast round to Cape Gardafui and south to the equator, is held by Hamites. The arid wastes parts of Eastern Soudan.—S. F. Call. and steppes west of the Nile are held entirely by the Semite nomads, while in the outlying provinces of Kordofan and Darfur Semites, Nubians, negroes and even Hamites and Fulahs are intermingled. Thus along the course of the Nile the writer shows that the Bantus and negroes occupy the south, the Semites and Hamites the centre and Nubians the North.

AN UNCONQUERED PROPLE.

THE SLAVE DEALERS.

The Semites or Caucasian stock of northeastern Africa are described as the Goktanides and the Ismaelites or Arabs. Since the Mohammedan invar on of the seventeenth century this element has become predominant and is the disturbing influence which inspires fanaticism, promotes dealing in slaves, and without it there would be no Mahdis and no Egyptian question to perplex the councils of European statesmanship and to break up Ministries.

In describing the characteristics of these people this paper speaks of them as proud, ignorant, bigoted, nomadic owners of cattle, camels, horses and slaves, hunters, robbers and warriors. The life of the men is devoted to caring for their cattle, slave-hunting and war; while the women till the fields. The Arab tribes are described as numerous and powerful, commanding great influence among the surrounding populations and often defy the supreme authority or compel it to accept their conditions in the administration of eastern Soudan.

The same paper then speaks of the Hamite races, the true indigenous element in North Africa, their kinsmen the Semites, being recent intruders from Arabia. The Ethiopian Hamoccupy the Suakim district and their warriors participated largely in the operations before

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A Choice Selection of

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Axe Nandles,

pied chiefly with camel-breeding and as cara-van leaders, governed by hereditary sheikhs, and, like their Hamitic and Semitic kindred elsewhere, are distinguished for their personal bravery and love of freedom. From the third to the sixth century of the present era, they infested the southern frontier of Egypt, and, though often defeated by Aurelian and Probus, continued to harrass these outlying provinces of the Empire and finally compelled Diocletian to withdraw the Reman garrisons from the region of the cataracts, replacing them by the warlike Nubatal tribes from the great oasis of

Kargey in upper Egypt.

THE NUBIANS

Man as a Housekeeper.

Man is a creature that thas always elicited our unqualified admiration; he is in many ca-pacities useful, and by a judicious arrangement of blue cloth and brass buttons can often be rendered to a certain degree ornamental In the sphere of action for which his many estimable characteristics have qualified him, Although officially included in the Egyptian | we accept him without a murmur, but when Province of the equator, the people of this re-gion, the Bantus, have never been conquired. They have exclusive possession of the south-have wintered and summered him in that caern half of the continent, except the region of the Hottentots and Bushmen, and extend at points five degrees north of the equator. They are negroid rather than negroes. Professor Keane shows that the negro is numerically bric-a-brac, and is not susceptible to the enthe most important element in the Egyptian soudan, and hitherto has held almost undisturbed possession. Within the area of the countless headwaters of the White Nile in this portion of the Soudan is concentrated one half back. He is a sworn enemy to all decorative the population of the whole Nile Basin, from art, and if not watched will go to bed on the the equatorial lakes to the Mediterranean, and embraces an estimated population of forty millions of people. This includes several power- in the wash bowl, and hangs the towel on the ful negro nations still enjoying political autonomy, as the Zandeh (Nyam Nyam,) the Mittu and Monbuttu. Some of these occupy regions them last week. His idea of being comfortwithin the Khediye's domain. In these Nilotic able is to throw open every door and window peoples the salient features of the negro race in the house, and as to becoming arrangements are less prominent than elsewhere. Although of light and shade, his mind is a perfect blank, Islam has made some progress the bulk of He was never known to make a knot in a towel these people are nature worshippers. When preparing for battle the "medicine man" slays not see what he wants the minute he opens the an infant and places the bleeding victim on bureau drawer, he knows it is not there, and the war-path to be trampled by the war-riors marching to victory. Human fat is a staple of trade. Monbutta cure for future use weak-legged chair for a visitor to sit in. His the bodies of the slain in battle and reserve mind is not nimble in taking hints. We have their prisoners for terrible cruelties. These seen a man who understood Emerson help Nilotic races in many cases are skilled in useful himself to the last slice of cake, with company industries, as agriculture, iron smelting and present, unblushingly call for more, notwithcasting, weaving and the manufacture of pot- standing his wife was kicking him under the tery. The form and ornamental designs of table and winking at him over it. It will their utensils display artistic taste, while their | readily be seen that he is by nature and eduiron implements have a temper superior to those of European manufacture. They are cannibals and yet show a regard and devotion to the weaker sex.

cation totally disqualified to act as goddess of the home. His occasional presence is necessary to have him patronize the deserving institution at least three times a day, and it looks well to see him sitting around in the evenings; but it would never do to leave him in charge of the dearest spot on earth. He would bankrupt domestic bliss in a week. Let all who are interested in the preservation and maintenance of the fireside humbly petition the managers of this new movement to exempt a few able-bodied, industrious women to continue the time-honored and laudable employment of housekeeping, or at least to postpone any radical change until a few men have been taught to discriminate between macrame lace and dishtowels .- Rural Press,

Jews in Music.

Who composed "Il Barbiere?" Rossini, Jew. Who is there that admires not the heartstirring music of the "Huguenots" and the "Prophet?" The composer is Meyerbeer, a Jew. Who has not been spell-bound by "La Jueye," by Halevy, a Jew. The King of Op-era Bouffe, Offenbach—he was a Jew. That master of all masters on the violin, Paganinni, also comes from Jewish stock. Who has not been enchanted with the beautiful fictions of lyric poetry, and charmed with the graceful melodies, so to speak, of one of Israel's sweet-est singers, Heinrich Heine, a Jew? Who has ites, or northern group, the most important, not listened with breathless ecstasy to the music of the "Midsummer Night's Dream, "Elijab," "Paul and Stephen?" Do you ask and after the battle of El Teb. They are described as handsome, of bronze, swarthy or light chocolate complexion, of Caucasic or Eu.

Who created those wonderful harmonies? Felix Mendelssohn Bartholdy, who also was a light chocolate complexion, of Caucasic or Eu.

Jew. Julian, the great leader, with his perfect the statement of the complexion of the complex of the complexion of the complex ropean type of features, with long, crisp hair, feet band, was a Jew. And so we could falling in ringlets over the shoulders. They swell the list ad infinitem; and little do our are described as zealous Mohammedans, occu- men and women of fashion, as they thrill into

Worcestershire Sauce, Fruits, Jams, Cream Tartar,

Soda, Spines, Etc., Etc., Etc.

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HE HAS ERECTED A NEW FACTORY & BAKERY

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Steamer "W. G. HALL" THROUGH TICKETS TO THE VOLCANO AND RETURN, can now be had at the office of the inter-Island S. N.Co. Tourists leaving Honofulu per time table of the "W. G. HALL," will be landed at Punaluu, thence by Rallroad to Pahala, where Horses and Guides will be in attendance.

By this route, Tourists can make the round kip in 7 days, giving 4 days to visit the Volcano.

TICKETS FCR THE ROUND TRIP, including Horses, Guide, Board and Lodging, \$50. Leaves Honolulu for Maaiaea, Kons

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WILDER'S Steamship Company

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Will leave Honolulu each Tuesday at 4 P. M., for La-hains, Maalaca, Makens, Mahukona Kawashre, "Lau-pahochoe and Hilo. Leave Hilo Thursdays, at noon, touching at the same ports on return, arrising back Saturdays at 2 P. M. PASSENGER TRAIN from Niniii will leave each Priday at 1 P. M., to connect with the Kinau at Maha-tana. kona.

The Kinau WILL TOUCH at Honokaia and Panuhan on down trips for Passengers, if a signal is made from the shore.

Steamer Kinan will not take beavy freight for Laupahoehoe. Light freight and packages only. All heavy freight for the above port will be taken by the Lehua and Klianea Hou.

KING, Commander.

STEAMER LIKELIKE, LORENZEN, Commander. Leaves Honoiain every Monday at 1 P. M. for \*Kannakakai. Eahulul, Keanae every other week; Huelo, Hana, Kipahulu and Nuc. Returning will stop at the above ports arriving back Saturday moenings.

-\*For mails and passengers only.

STEAMER "LEHUA WEISBARTH, Commander. Leaves Honolulu cach Monday, at 5 P. M. for Pannhau, Kohalalele, Ookala, Kukalau, Honohina, Laupahoehoe, Hakalau and Onomea. Retarning will arrive back each Saturday.

STMR. KILAUEA HOU McDONALD, Commander.

Will leave Honolulu once each week for same ports as the Lehua

McCRECOR, Commander,

Leaves Honolulu each Wednesday, for Kaunakakai, Kamaloo, Pukoo, Moanui, Halawa, Waifan, Pelekunu and Kaiaupapa, returning each Monday evening.

58 The Company will not be responsible for any freight or packages unless receipted for, nor for personal baggage unless plainly marked. Not responsible for money or jewelry unless placed in charge of the All possible care will be taken of Live Stock, but the Company will not assume any risk of accident.
SAM'L. G. WILDER, President:
S. B. ROSE, Secretary.
OFFICE—Corner Fort and Queen Streets.
Honolulu, Sept. 10, 1884.
1942

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Steamer "PLANTER" Lilinoe CAMERON, Commander, Leaves certry TUESDAY, at 3 p. m., for Nauvillein, Kolon, Elecie and Walmen. Returning, leaves Naville will every SATURDAY evening; arriving back every SUNDAY morning.

INTER-ISLAND

T.TWITTED.

(Malulani)

Arriving at Honolulu on

BATES, Commander,

Priday, March 13.... Monday, March 23...

Steamer FREEMAN, Commander

Arriving at Honolulu on

Stmr. C. R. BISHOP caves Henolulu every SATURDAY noon for Walaran, Hanalel, Kilanca and Banamaniu. Returning large Hanalei every Wednesday at J.p. m., touching at Wai anas every Thursday morning, arriving back the cam-

Stmr. JAS. MAKEE. Leaves Honolulu every FRIDAY, at 9 a. m., for Wain-

66 OFFICE of the Company, foot of Kilanea Street near the P M S S Wharf. Honolalu, January 3, 1885. BENSON, SMITH & Co.

JOBBING AND

113 and 115 Fort Street,

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